

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, DECEMBER 2, 2015

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. November 4, 2015 Council Meeting
2. November 12, 2015 Special Council Meeting

E. COMMUNICATIONS:

1. [C 2015-295](#) Communication (11/06/2015) from Dr. Dileep G. Bal, Kaua'i District Health Officer, State of Hawai'i, Department of Health, requesting agenda time to provide a briefing on Tropic Care Kaua'i 2016.
2. [C 2015-296](#) Communication (11/13/2015) from the Civil Defense Manager, requesting Council approval to receive and expend grant funds from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, in the amount of \$685,000, to continue to enhance the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as "all hazards" catastrophic preparedness initiatives.
3. [C 2015-297](#) Communication (11/16/2015) from the Director of Human Resources, transmitting for Council information, the November 15, 2015 report, pursuant to Section 19 the Operating Budget Provisos of the County of Kaua'i for the Fiscal Year 2015-2016, which includes new hires, transfers, reallocations, promotions, and vacancies for the period July 1, 2015 to November 15, 2015.

4. [C 2015-298](#) Communication (11/17/2015) from the Director of Finance, requesting agenda time to brief the Council on the launch of the County's Long-Term Financial Plan project contracted with the Government Finance Officers Association (GFOA).
5. [C 2015-299](#) Communication (11/17/2015) from the Planning Director, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, to clarify the process whereby homestays are reviewed in the Commercial Districts, Resort Zoning Districts, and Residential Districts; and establishes standards under which homestays should operate. *(Copies of the Draft Ordinance for Zoning Amendment ZA-2015-7, Director's Reports, Agency Comments, Minutes of the September 8, 2015 and October 27, 2015 Planning Commission Meetings on file in the County Clerk's Office.)*
(See Proposed Draft Bill (No. 2609))
6. [C 2015-300](#) Communication (11/19/2015) from Councilmember Yukimura, transmitting for Council consideration for inclusion in the 2016 Kaua'i County Council Legislative Package, A Bill for An Act authorizing the issuance of General Obligation Bonds and making an appropriation in the amount of \$5,000,000 for the purchase of the Courtyards at Waipouli / East Kaua'i Workforce (Affordable) Housing.
7. [C 2015-301](#) Communication (11/20/2015) from the County Attorney, requesting reconfirmation and re-approval of its prior recommendation for authority to expend funds up to \$50,000.00 to retain Special Counsel to represent Irvin Magayanes in State of Hawai'i vs. Irvin Magayanes, Criminal Number CR15-1-0267 (Fifth Circuit Court); which received Council approval at its September 2, 2015 Council Meeting (Agenda Item C 2015-236); and related matters.
8. [C 2015-302](#) Communication (11/23/2015) from the County Engineer, requesting Council approval to apply for, receive, and expend Clean Water State Revolving Fund (CWSRF) moneys up to a principal amount not to exceed \$6,000,000 for construction of the Gas Collection and Control System for the Kekaha Landfill, Project No. NPS0047-11; and transmitting a Resolution authorizing the execution of all necessary documents to finance the construction of the Gas Collection and Control System for the Kekaha Landfill, Project No. NPS0047-11.
(See Resolution No. 2015-63)
9. [C 2015-303](#) Communication (11/25/2015) from the County Attorney, requesting authorization to expend funds up to \$50,000.00 to retain Special Counsel to represent Shaylene Iseri, in her individual capacity in Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 (Fifth Circuit Court), and related matters.

F. CLAIMS:

1. [C 2015-304](#) Communication (11/09/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by James J. Feiza, for injuries allegedly caused by a County road, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2015-305](#) Communication (11/16/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joanie Steiner, for reimbursement of expenses, pursuant to Section 23.06, Charter of the County of Kaua'i.

G. RESOLUTION:

1. [Resolution No. 2015-63](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE GAS COLLECTION & CONTROL SYSTEM FOR KEKAHA LANDFILL, PROJECT NO. NPS0047-11

H. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2609\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS

I. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-814 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(2) and (4), and Kaua'i County Charter Section 3.07(E), the Kaua'i County Council requests an Executive Session with the County Attorney pertaining to the hiring of a County Auditor and to consult with the County's legal counsel. This Executive Session pertains to the hiring of a County Auditor where consideration of matters affecting privacy will be involved as they relate to this agenda item.
(Referred November 12, 2015)

2. ES-821 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing for the case of Akira Kadomatsu, et al. vs. County of Kaua'i, et al., Civil No. 13-1-0324, (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.
3. ES-822 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the retention of special counsel to represent Irvin Magayanes in State of Hawai'i vs. Irvin Magayanes, Criminal Number CR15-1-0267 (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
4. ES-823 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
5. ES-824 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the retention of Special Counsel to represent Shaylene Iseri, in her individual capacity, in Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

J. ADJOURNMENT.

- K. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2602](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE CRIMINAL ASSETS FORFEITURE FUND (*Kauai Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (Operating Budget)*)
 2. [Bill No. 2603](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND CIP (*Kauai Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (CIP Budget)*)
 3. [Bill No. 2604](#) – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE IN THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BARKING DOG NUISANCE
 4. [Bill No. 2605](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND CIP (*Coco Palms Resort Development Use Permit Conditions – \$110,000.00*)
 5. [Bill No. 2606](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 5A-9.3, RELATING TO A HOMESTEAD TAX CAP FOR HOME EXEMPTION AND LONG TERM AFFORDABLE RENTAL PROPERTIES
- L. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

***TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.**